

1 BARRY J. PORTMAN
Federal Public Defender
2 ELIZABETH M. FALK
Assistant Federal Public Defender
3 19th Floor Federal Building – Box 36106
450 Golden Gate Avenue
4 San Francisco, CA 94102
Telephone: (415) 436-7700
5
6 Counsel for Defendant WILLIAMS

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-05-00622 JSW
)	
12 Plaintiff,)	STATUS REPORT; MOTION FOR
)	LEAVE TO FILE STATUS REPORT
13 vs.)	LATE
)	
14 STEVEN WILLIAMS,)	Date: February 13, 2006
)	Time: 8:30 a.m.
15 Defendant.)	Court: The Honorable Jeffrey S. White
)	

16
17 **STATUS REPORT RE: PLEA AGREEMENT**

18 **DECLARATION OF ELIZABETH M. FALK**

19 I, Elizabeth M. Falk, trial counsel for Defendant Steven Williams, do hereby declare the
20 following to be true under penalty of perjury:

- 21 1. Trial in this matter is currently set for April 3, 2006 at 8:30 a.m.;
- 22 2. Trial counsel for the defense and the government agree on a proposed plea
23 agreement;
- 24 3. Defense counsel submitted a final letter memorializing the plea offer to
25 government counsel the morning of February 10, 2006, due to the fact that
26 government counsel was in trial up until that day;

1 filed herewith as Exhibit A;

- 2 1. Counsel for the defendant, Steven Williams, and counsel for the government,
3 Susan Jerich, have been essentially playing telephone tag between February 9,
4 2006 and today, February 13, 2006, and have exchanged messages about the plea
5 agreement;
- 6 2. Defense counsel has still not spoken face-to-face with government counsel, and
7 thus, does not know the status of the plea agreement;
- 8 3. Defense counsel understands that government counsel was attending to a trial last
9 week, and that trial supecedes all other matters on any attorney's plate;
- 10 4. Defense counsel attempted to reach government counsel on February 10, 1006
11 upon delivery of the letter memorializing the plea agreement. However, defense
12 counsel was unable to reach government counsel live to determine the status of
13 the plea offer;
- 14 5. Defense counsel knew that this status report was due to the Court, but mistakenly
15 thought that the status report was due by the end of the day on Friday, February
16 10, 2006;
- 17 6. By that time, defense counsel had not been able to connect with government
18 counsel;
- 19 7. Defense counsel was hoping to hear from government counsel over the weekend
20 or early this morning regarding the status of the plea agreement, which is the
21 reason defense counsel held off on filing the Status Report;
- 22 8. Defense counsel apologizes to the Court for her error in judgment. Defense
23 counsel thought that the status report was expected to be a Joint Status report.
24 Defense counsel thus wanted to hear back from government counsel and prepare a
25 joint status report, signed by both parties, which is why she did not file something
26 on February 10, 2006.

1 9. Defense counsel accepts responsibility for missing the deadline on the status
2 report, as it is her client who suffers as a result of any missed deadlines. Defense
3 counsel apologizes profusely to the Court for this misstep. In the future, defense
4 counsel will file in accordance with the Court's deadlines, whether or not she has
5 the appropriate information to give to the Court, and whether or not she is able to
6 get in touch personally with any applicable party regarding the information
7 applicable to the filing.

8 Dated: February 13, 2006

9 Respectfully submitted,

10 BARRY J. PORTMAN
11 Federal Public Defender

12 /s\

13 _____
14 ELIZABETH M. FALK
15 Assistant Federal Public Defender

16 I hereby attest that I have on file all holographic signatures indicated by a "conformed" signature
17 (/S/) within this efiled document.

18 ~~PROPOSED~~ ORDER

19 GOOD CAUSE APPEARING, it is hereby ORDERED that the leave is granted to file
20 this status report late. The clerk of court is directed to accept the status report for filing. The
21 parties shall advise the Court by no later than Tuesday February 21, 2006, as to whether a change
22 of plea will occur on February 23, 2006. This may be done by a joint letter to the Court.

23 **IT IS SO ORDERED**

24 Dated: February 13, 2006

25 _____
26 THE HONORABLE JEFFREY S. WHITE
 UNITED STATES DISTRICT JUDGE